

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **September 28, 2004**

AGENDA ITEM NO.: 8

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **City Code Amendment on Section 12, Intraurban Buses**

RECOMMENDATION: The GLTC Board recommends that the City Code, Section 12, Intraurban Buses, be amended per the attachment.

SUMMARY: Much of the current City Code on Intraurban Buses pre-dates the creation of GLTC as a City-owned transit system, governed by a Council-appointed Board of Directors. This has resulted in redundancy in public hearings for major policy decisions (such as fares and service levels). It is the Board's opinion that the proposed changes reflect the current organizational relationship between GLTC and the City of Lynchburg.

PRIOR ACTION(S): None

FISCAL IMPACT: None

CONTACT(S): Michael J. Carroll, GLTC General Manager, 847-5311x204

ATTACHMENT(S): City Code amendment

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY AMENDING SECTIONS 12-17, 12-30, 12-31, 12-37 AND 12-41, AND TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG BY REPEALING SECTIONS 12-16, 12-18, 12-19, 12-20, 12-21, 12-22, 12-23, 12-24, 12-25, 12-26, 12-27, 12-28, 12-29, 12-32, 12-33, 12-34, 12-35, 12-36, 12-38, 12-39, AND 12-40, THE AMENDED AND REPEALED SECTIONS RELATING TO THE OPERATION OF INTRAURBAN BUSES WITHIN THE CITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

- 1. That Sections 12-17, 12-30, 12-31, 12-37 and 12-41 of the Code of the City of Lynchburg, 1981, be and the same are hereby amended and reenacted as follows:**

Sec. 12-17. Scope of article.

This article is adopted under the general police power granted to the city by its Charter. It is not intended hereby to grant or offer any franchise; but, as denoted by the title of this article, it is intended to regulate motorbus passenger transportation for hire in the city.

The public transportation system established by the city pursuant to section 38-g of the city charter shall operate under the name of the Greater Lynchburg Transit Company. The city regulates this transportation service through the transit company board. The board formulates policies and operating procedures for and offers general supervision of a professional transit management company providing bus service in the city. The transit company board sets the fares, service standards, general policies and executes all major contracts

Sec. 12-30. Accounting procedures and reports.

(a) A standard form of accounts and system of bookkeeping, in accordance with general accepted bookkeeping practice, shall be kept and observed by the company or individual operating under the provisions of this article insofar as the system of accounts and bookkeeping applies to such motorbus transportation. ~~The director of fiscal management, or some accountant duly authorized by the council, shall have the right and privilege at any time to examine the books of the persons in order to verify, or, if need be, to correct the same or any returns and reports made by the company or individual therefrom.~~

(b) Complete monthly reports in form approved by the transit company board shall be made to the board ~~director of fiscal management~~, and by request shall be made to the city manager by any company or person operating under the provisions of this article. ~~Such report for each calendar month shall be delivered to the city manager not later than the twenty-fifth day of the succeeding month.~~

Sec. 12-31. Additional regulations.

The city expressly reserves the right to pass at any time, in addition to the provisions of this article, any amendments thereto and any and all ordinances deemed necessary by it in the reasonable exercise of its police power, for the safety, welfare and convenience of the public, and for the regulation and control of motorbus transportation within the city, ~~and to prescribe the size, character and type of the motor vehicle to be used under the provisions of this article~~

Sec. 12-37. Compliance with traffic laws, etc.

All vehicles operated under this article shall be made to observe and comply with all orders given by word or sign by the police officers of the city and with all signs and directions placed in the streets for the regulation of traffic, and shall conform to all traffic laws of the city, and state, and federal governments.

Sec. 12-41. Police powers of ~~bus drivers~~ of certain transit company employees.

~~Any bus company operating All drivers of buses~~ operating under this article, for the purpose of enforcing order, peace and good behavior upon ~~their respective~~ its buses, may elect to have certain designated employees appointed as special conservators of the peace in accordance with the provisions of the Virginia State Code. are hereby constituted special policemen, and for that purpose, are endowed with all the powers and are held to the same responsibilities as the other policemen of the city.

- 2. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by repealing Sections 12-16, 12-18, 12-19, 12-20, 12-21, 12-22, 12-23, 12-24, 12-25, 12-26, 12-27, 12-28, 12-29, 12-32, 12-33, 12-34, 12-35, 12-36, 12-38, 12-39, and 12- 40.**

~~Sec. 12-16. Construction of "interurban."~~

~~For the purposes of this article, the word "interurban," as applied to motorbuses or motor vehicles, shall not be deemed to include a motorbus or motor vehicle which transports passengers from one point to another within this city.~~

~~Sec. 12-18. Application.~~

~~The operation of motorbus passenger transportation for hire, except taxi and rent vehicles and interurban and city sightseeing vehicles, in the city shall be subject to the conditions, regulations and restrictions contained in this article.~~

~~Sec. 12-19. Violations; lien of city for penalties, etc.~~

~~All of the provisions of this article imposing obligations or requirements on any person operating hereunder shall be deemed to be mandatory, and any violation of any obligation or requirement of this article shall be regarded as a misdemeanor. All debts, penalties or forfeitures inuring to the city under this article shall constitute a lien upon the property of such person prior to all other debts, liens or obligations thereof, whether created before or after the creation of any lien in favor of any other person or corporation.~~

~~Sec. 12-20. Minimum seating capacity; maximum number of passengers to be carried.~~

~~No motorbus of a seating capacity of less than twenty-five (25) passengers shall be operated on the streets of the city in service under this article (except that smaller buses may be used for tripper service, or on independent runs within the city other than on Main Street); the number of passengers received for transportation to be limited to such seating capacity, plus sixty-six and two-thirds (66 2/3) per cent; provided, however, that the foregoing limitation with respect to the number of passengers received for transportation shall not apply to any bus while being used for the transportation of school children exclusively.~~

~~Sec. 12-21. Transfers.~~

~~Any person operating under the provisions of this article shall furnish to his passengers, when requested, transfers to any and all bus lines which may at any time be operating within the city, at all points of intersection of the routes of such bus lines with each other or with different portions of the same bus line where these may intersect and at such other transfer points as may be necessary to serve the traveling public.~~

~~Sec. 12-22. Determination of routes.~~

~~The operation of any motor bus system of passenger transportation under the provisions of this article shall be along routes as fixed by ordinance or resolution of the city council.~~

~~Sec. 12-23. Change of routes by council.~~

~~The right to continue to operate on the routes provided in section 12-22 or any routes which may be designated as hereinafter provided shall be upon the condition that whenever public convenience shall, in the opinion of the council, reasonably require any change in the routes provided in said section, or any extension thereof, the same shall be made and established with all reasonable dispatch and diligence upon being required or permitted so to do by the council.~~

~~Sec. 12-24. Deviation from routes.~~

~~No deviation from authorized routes shall be practiced or permitted except in the following instances:~~

~~(a) In case any authorized routes are obstructed on any block, drivers may, unless the city manager shall otherwise direct, make a detour by the nearest streets around the block on which such obstruction exists, returning to the prescribed route as soon as the obstruction shall have been passed.~~

~~(b) Where special or chartered bus service is rendered with the approval of the city manager.~~

~~(c) Where buses are operated over other streets in order to get from the garage to the regular routes by the most convenient streets.~~

~~Sec. 12-25. Temporary modification of routes by city manager.~~

~~The city manager shall be and he is hereby empowered in all cases of fire, accident, parades, obstructions, breaks in or repairs to streets, or any other emergency which requires such action, temporarily to modify the routes prescribed in this article, or to require the use of such other streets as in his opinion the public convenience and safety may require, until the emergency calling for such action shall have been terminated.~~

~~Sec. 12-26. Permit for experimental routes.~~

~~The city manager is hereby vested with the authority to issue at the request of any person operating under the provisions of this article a temporary permit to operate on any additional route for a length of time not exceeding sixty (60) days, which permit may be renewed by the city manager from time to time for additional sixty (60) day periods, for the purpose of gathering data by actual operation with respect to whether public convenience requires such route and whether such route may be profitably operated.~~

~~Sec. 12-27. When operations over authorized routes may be suspended.~~

~~Any person operating under the provisions of this article shall operate his vehicles regularly over the authorized routes, unless prevented from so doing by the act of God or other causes not reasonably preventable. But should it be necessary in the prosecution of any public work to stop temporarily the operation of such vehicles, it may be done on the order of the city manager, and in such case, the city shall not be liable and such person shall be held free from all claims of the city for damages or penalties by reason of the delay or suspension of such business or traffic.~~

~~Sec. 12-28. Schedules.~~

~~Any person operating under the provisions of this article shall operate and maintain regular schedules so as to render reasonable service on each route served by him; provided, that the council may from time to time require service of such person on such schedules as public needs may demand.~~

~~Sec. 12-29. Fares.~~

~~Fares to be charged by any person operating buses under the provisions of this article shall be as follows:~~

Cash fares	1.25
22-ride ticket	22.00
School fare during regular and summer session	1.00
Elderly & handicapped (with GLTC ID card)	0.60
EZ pass (w/ID card)	6.00
Monthly passes	30.00
Transfers	0.10

~~Existing rules and regulations governing the issuance and use of passes shall continue to be applicable~~

~~Sec. 12-32. Certain rights not gained under article.~~

~~No person operating under this article shall acquire any vested right thereunder in the streets of the city or any vested right to use the same.~~

~~Sec. 12-33. Standard of service generally.~~

~~Any person operating buses under the provisions of this article shall, at all times, maintain an adequate and efficient public service at the rates specified in this article or at rates which may hereafter be prescribed. Such person shall maintain and operate his transportation system in accordance with the most approved methods and by the use of the most approved means of surface transportation, without and otherwise than by the construction or use of railway tracks or the erection of poles and wires. Such person shall maintain all of the physical property used and operated by him at the highest practical standard of efficiency.~~

~~Sec. 12-34. Condition of vehicles generally.~~

~~All vehicles and the equipment used in connection therewith operated under this article shall at all times be kept in proper physical condition to the satisfaction of the city manager, or his duly authorized representative, so as to render safe, adequate and proper public service and so as not to be a menace to the safety of the occupants or of the general public.~~

~~Sec. 12-35. Ventilation, heating, etc., of buses.~~

~~Any person operating buses under the provisions of this article shall at all times keep all buses or vehicles operated by him clean, sufficiently ventilated and adequately heated with safe and convenient appliances whenever the weather is such that heating is essential to the comfort of passengers.~~

~~Sec. 12-36. Stops for taking on or letting off passengers.~~

~~All vehicles operated under this article shall stop for the purpose of taking on or letting off passengers at such points or places as may be designated by the city manager or his duly authorized representatives. All such stops shall be clearly marked by suitable signs to be placed and maintained at the cost and expense of the person operating under this article~~

~~Sec. 12-38. Money and other articles left in vehicles.~~

~~The person in charge of any vehicle operated under this article shall carefully preserve any money or other property left in such vehicle by any passenger, and the same shall be promptly deposited with the person owning or operating such vehicle to be kept by him at some convenient point within the city, where the same may be called for by the owner. When such money or property shall have been identified and ownership established, the same shall be promptly delivered to such owner. Any property, whether money or other thing, which shall not be called for within ten (10) days, shall be disposed of according to law.~~

~~Sec. 12-39. Lighting of vehicle interior.~~

~~No motor vehicle operating under this article shall be operated between one-half hour after sunset and one-half hour before sunrise, except in case of emergency, unless sufficient light be provided adequately to light the whole interior of such vehicle.~~

~~Sec. 12-40. Smoking.~~

~~It shall be unlawful for any person operating any vehicle under this article or for any passenger to smoke or have in his possession a lighted cigar, cigarette or pipe while such vehicle is being operated under this article, and it shall be unlawful for such operator to permit any passenger so to do.~~

3. That this ordinance shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council